

Notice of Allowability

Application No.

10/798,914

Examiner

Richard Pantoliano Jr

Applicant(s)

BILLAU ET AL.

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment received 05 December 2007 and interview on 03 January 2008.
2. ☒ The allowed claim(s) is/are 1, 3, 6, 8, 11, 13, 16, 19, 21, 23, 25, 27, 29, 31, 34, 38, and 41, renumbered 1-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20080103.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT & STATEMENT OF REASONS FOR ALLOWANCE

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Derek P. Martin (Reg. No. 36,595) on **03 January 2008**.
3. The application has been amended as follows:
 - a) **The pending claims in this application have been amended as attached herewith.**

REASONS FOR ALLOWANCE

4. **Claims 1, 3, 6, 8, 11, 13, 16, 19, 21, 23, 25, 27, 29, 31, 34, 38, and 41** are allowed.
5. The following is an examiner's statement of reasons for allowance:
 - a) Both the art of record used as the basis for the previous rejection, Shmid et al (US Pat: 6,530,078), and the art cited on the PTO-892 accompanying this correspondence, do not expressly teach or render obvious the invention as recited in independent **Claims 1, 6, 11, 16, 19, 23, 27, 31, 34 and 41**.

b) As to **Claim 1**, the art of record does not expressly teach wherein querying of a first device driver in a first logical partition is performed by a virtual device driver in a second logical partition, in conjunction with a partition manager that communicates between the first and second logical partitions, wherein the partition manager communicates between a hosting interface of the first logical partition and the virtual device driver of the second logical partition, when taken in the context of the claim, as a whole. Also, there is no basis in evidence for asserting a motivation that one of ordinary skill in the art at the time of invention was made would have modified the apparatus as described to combine the limitations as recited in the context of **Claim 1**.

c) As to **Claims 6, 11, 16, 19, 23, 27, 31, 34 and 41**, having similar limitations to that of **Claim 1**, these claims are allowable for the same reasoning as provided for **Claim 1**, above.

Conclusion

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Pantoliano Jr whose telephone number is (571) 270-1049 and whose direct fax number is (571) 270-2049. The examiner can normally

Application/Control Number:
10/798,914
Art Unit: 2194


Page 4

be reached on Monday-Thursday, 8am - 4 pm EST. Please note that a request for an interview in regard to the present application should be accompanied by a written agenda (including proposed amendments, if available, and specific issues to be discussed) sent to the fax number cited above.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571)272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP
01/03/2008


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER